

Statement

of

JAYSON P. AHERN

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Prevention of Nuclear and Biological Attack

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Good afternoon Chairman Linder, Ranking Member Langevin and distinguished Member of the subcommittee. I am Jayson Ahern, Assistant Commissioner, Office of Field Operations, U.S. Customs & Border Protection (CBP). It is a privilege to appear before you today and I thank you for this opportunity to discuss the CBP programs that are fundamental to securing our ports of entry from the threat of nuclear terrorism.

First of all, let me assure you that preventing the smuggling of nuclear weapons and radiological materials remains one of CBP's highest priorities. Although the focus of this hearing is on our relationship with our foreign partners and especially the Container Security Initiative (CSI), CBP employs a multi-layered defense strategy to substantially increase the likelihood that nuclear or radiological material will be detected.

CBP has integrated its radiation detection technology deployment initiative into its multi-layered defense strategy to address the threat of nuclear and radiological terrorism that begins outside the United States where the movement of illicit nuclear and radiological materials is initiated and continues all the way to the U.S. borders.

CBP, as the guardian of the Nation's borders, safeguards the homeland by protecting the American public against terrorists and the instruments of terror and ensuring all cargo and people enter this country legally. At the same time, CBP enforces the laws of the United States and fosters the Nation's economic security through lawful travel and trade.

In fiscal year 2005, CBP processed over 431 million passengers, more than 121 million land border passenger vehicles, 1 million aircraft, 113,325 vessels, and over 25 million sea, rail and truck containers. In fiscal year 2005, CBP made 22,727 arrests and 23,802 narcotic seizures; seized over 798,000 pounds of narcotics, approximately \$28 million in currency, and over \$120 million in merchandise. We cannot protect against the entry of terrorists and the instruments of terror without performing all missions.

We must perform all missions without stifling the flow of legitimate trade and travel that is so important to our nation's economy. We have "twin goals" - building more secure and more efficient borders.

Meeting Our Twin Goals - Building More Secure and More Efficient Borders:

As the single, unified border agency of the United States, CBP's missions are extraordinarily important to the protection of America and the American people. In the aftermath of the terrorist attacks of September 11th, CBP has developed initiatives to meet our twin goals of improving security and facilitating the flow of legitimate trade and travel. Our homeland strategy to secure and facilitate cargo moving to the United States is a layered defense approach built upon interrelated initiatives. They are: the 24-Hour and Trade Act rules, the Automated Targeting System (ATS), housed in CBP's National Targeting Center, the use of Non-Intrusive Inspection equipment and Radiation Portal Monitors, the Container Security Initiative (CSI), and the Customs-Trade Partnership Against Terrorism (C-TPAT) initiative. These complementary layers enhance seaport security, and protect the nation.

Advance Electronic Information:

As a result of the 24-Hour rule and the Trade Act, CBP requires advance electronic information on all cargo shipments coming to the United States by land, air, and sea, so that we know who and what is coming before it arrives in the United States. The 24-Hour Advanced Cargo Rule requires all sea carriers, with the exception of bulk carriers and approved break-bulk cargo, to provide proper cargo descriptions and valid consignee addresses 24 hours before cargo is loaded at the foreign port for shipment to the United States. Failure to meet the 24-Hour Advanced Cargo Rule results in a “do not load” message and other penalties. This program gives CBP greater awareness of what is being loaded onto ships bound for the United States and the advance information enables CBP to evaluate the terrorist risk from sea containers on 100% of shipments.

Automated Targeting System:

The Automated Targeting System, which is used by the National Targeting Center and field targeting units in the United States and overseas, is essential to our ability to target high-risk cargo and passengers entering the United States. ATS is the system through which we process advance manifest and passenger information to detect anomalies and “red flags,” and determine which passengers and cargo are “high risk,” and should be scrutinized at the port of entry, or in some cases, overseas.

ATS is a flexible, constantly evolving system that integrates enforcement and commercial databases. ATS analyzes electronic data related to individual shipments prior to arrival and ranks them in order of risk, based on the application of algorithms and rules. The scores are divided into thresholds associated with further action by CBP, such as document review and inspection.

The National Targeting Center, working closely with the Coast Guard, also vets and risk scores all cargo and cruise-ship passengers and crew prior to arrival. This ensures that DHS has full port security awareness for international maritime activity.

Container Security Initiative (CSI) and Customs-Trade Partnership Against Terrorism (C-TPAT) - Extending our Zone of Security Outward & Partnering with Other Countries:

In fiscal year 2005, over 11.3 million seagoing containers arrived at our nation’s seaports. Another 11.3 million cargo conveyances arrived by land. About 90% of the world’s manufactured goods move by container, much of it stacked many stories high on huge transport ships. Each year, two hundred million cargo containers are transported between the world’s seaports, constituting the most critical component of global trade. The greatest threat to global maritime security is the potential for terrorists to use the international maritime system to smuggle terrorist weapons – or even terrorist operatives – into a targeted country.

Clearly, the risk to international maritime cargo demands a robust security strategy that can identify, prevent and deter threats, at the earliest point in the international supply chain, before arrival at the seaports of the targeted country. We must have a cohesive national cargo security strategy that better protects us against the threat posed by global terrorism without choking off the flow of legitimate trade, so important to our economic security, to our economy, and, to the global economy.

We developed a layered enforcement approach that addresses cargo moving from areas outside of the United States to our ports of entry. Our approach focuses on stopping any shipment by terrorists before it reaches the United States, and only as a last resort, when it arrives at a port of entry.

The Container Security Initiative (CSI) and the Customs-Trade Partnership Against Terrorism (C-TPAT) initiatives bolster port security. Through CSI, CBP works with host government Customs Services to examine high-risk maritime containerized cargo at foreign seaports, before they are loaded on-board vessels destined for the United States. In addition to the current 44 foreign ports participating in CSI covering 75% of maritime containerized cargo shipped to the U.S., many more ports are in the planning stages. By the end of 2006, we expect that 50 ports, covering 82% of maritime containerized cargo shipped to the U.S. will participate in CSI.

Through C-TPAT, CBP is establishing successful security practices for all parts of the supply chain, making it more difficult for a terrorist or terrorist sympathizer to introduce a weapon into a container being sent by a legitimate party to the United States. C-TPAT covers a wide variety of security practices, from fences and lighting to requiring that member companies conduct background checks on their employees, maintain current employee lists, and require that employees display proper identification.

C-TPAT's criteria also address physical access controls, facility security, information technology security, container security, security awareness and training, personnel screening, and important business partner requirements. These business partner requirements encourage C-TPAT members to conduct business with other C-TPAT members who have committed to the same enhanced security requirements established by the C-TPAT program.

The C-TPAT program has created public-private and international partnership with approximately 6,000 businesses (over 10,000 have applied), including most of the largest U.S. importers. Forty-five percent of all merchandise imported into the United States is done so by C-TPAT member importers. C-TPAT, CBP and partner companies are working together to improve baseline security standards for supply chain and container security. CBP reviews the security practices of not only the company shipping the goods, but also the companies that provided them with any services.

The validation process employed by CBP demonstrates and confirms the effectiveness, efficiency and accuracy of a C-TPAT certified member's supply chain security. At present, the C-TPAT program has completed validations on 30 percent (1,902 validations completed) of the certified membership, up from 8 percent (403 validations) completed a year ago. Additionally, validations are in progress on another 35 percent (2,262 in progress) of certified members, and these validations will be completed throughout 2006, bringing the total percentage of certified members to 65 percent by year-end. In 2007, the C-TPAT program validations will continue. We will have validated 100 percent by the end of CY 2007.

Additionally, CBP has moved to tighten minimum-security criteria for membership in this voluntary program. Working closely with the trade community and key stakeholders, CBP has developed and implemented baseline security standards for member importers, sea carriers, and

highway carriers. CBP will complete this process by the end of CY 2006, defining the minimum-security criteria for the remaining enrollment sectors – air carriers, rail carriers, brokers, freight forwarders, and foreign manufacturers.

In order to promulgate the best security practices, C-TPAT recently compiled and published a best practice catalog, which was distributed to all members and made available at its recent training seminar. Each year C-TPAT conducts an annual seminar providing additional security training and presentations from the trade community on how implementation of C-TPAT has improved their security and provided a measurable return on investment. C-TPAT will also be implementing a discussion board available on their secure web portal whereby members can exchange ideas and discussions on security practices and benefits.

Non-Intrusive Inspection Equipment and Radiation Detection Portals:

CBP also uses cutting-edge technology, including large-scale X-ray and Gamma-ray Non-Intrusive Inspection (NII) systems to image cargo, and radiation detection devices to screen cargo for the presence of radiological materials.

Since CBP was formed in March 2003, we have increased our large-scale NII inventory by 60 systems, including 19 additional systems to the northern border, 16 additional systems to the southern border and 25 additional systems to seaports. CBP currently has an inventory of 176 large-scale NII systems deployed nationwide.

In fiscal year 2005, CBP examined nearly 80 percent of all rail cars, nearly 25 percent of all land conveyances, and 5 percent of all sea-borne containers that arrived in the U.S. The majority of these examinations were accomplished with the use of large-scale NII technology. At a minimum, 100 percent of all high-risk conveyances are imaged with large-scale NII technology and screened with a hand-held Radiation Isotope Identifier Device for the presence of radiation. Approximately 2 million examinations were conducted with large-scale NII technology at our nation's ports of entry prior to 2003.

In fiscal year 2005, that number increased to 5.4 million. Since March 2003, large-scale NII technology has been used to conduct approximately 12 million examinations.

Since March 2003, in addition to large-scale NII technology, CBP has deployed over 700 additional Radiation Portal Monitors (RPM), 300 Radiation Isotope Identifier Devices (RIID) and approximately 6,000 Personal Radiation Detectors (PRD) to our ports of entry.

CBP currently operates 791 RPMs at our nation's ports, including 225 RPMs at seaports. RPMs are our most robust radiation detection devices that provide CBP with a passive non-intrusive means to quickly and thoroughly screen conveyances and/or shipments for the presence of illicit radiological materials. CBP has also deployed a total of 566 RIIDs and approximately 13,000 PRDs to our nation's ports of entry.

CBP currently screens 100 percent of mail and express consignment packages, 90 percent of all containerized cargo and 80 percent of all privately owned vehicles entering the U.S. along the Northern Border, 90 percent of all containerized cargo and 82 percent of all privately owned vehicles entering the U.S. along the Southern Border, and 57 percent of all arriving sea-borne containers for the presence of radiation with RPMs.

Overall, CBP currently screens approximately 73 percent of all arriving land/sea containerized cargo entering the United States with RPMs. That number will continue to grow through the remainder of this year and 2007. CBP will deploy a total of 621 RPMs to our Nation's top seaports, which will allow us to screen approximately 98 percent of inbound sea-borne containers by December 2007. A portion of these deployed systems will be next-generation Advanced Spectroscopic Portals, which will begin to be deployed in mid-FY 2007. In addition, CBP will deploy 60 Mobile RPM Systems to seaports in 2006. Mobile RPMs will provide us with the flexibility to conduct screening operations at low-volume locations and to screen high-risk containers in a real-time fashion. Initial deployment of Mobile RPMs has recently taken place with 2 units deployed to Newark. The remaining 58 units are expected to be in place by the end of CY2006. CBP's ultimate goal is to screen 100 percent of all high-risk people, cargo and conveyances for radiation.

CBP has strict response protocols in place to address and resolve all radiation alarms. If our field officers require assistance in resolving a radiation alarm, technical reach-back support is available 24 hours a day 365 days a year. Our Laboratories and Scientific Services (LSS) scientists located at the National Targeting Center provide that support. Beyond this support, further technical assistance is available through the DNDO Secondary Reachback program, which provides access to the nuclear design and spectroscopy expertise resident in the National Laboratories.

To date, CBP has screened over 80 million conveyances with RPMs. Radiation-screening results are shared with other Federal agencies as well as certain State and Local entities as appropriate. The total number of gamma and/or neutron-related radiation alarms to date is over 318,000. However, all alarms have been resolved and the overwhelming majority have been attributed to naturally occurring radioactive materials (NORM) or medical patients. Thus far, no RPM alarms have been attributed to the illicit transport of special nuclear material.

Also, over 600 canine detection teams, capable of identifying narcotics, bulk currency, human beings, explosives, agricultural pests, and chemical weapons, are deployed at our ports of entry.

CBP Coordination with DNDO:

In addition to increased screening efforts at our own ports of entry for radioactive and nuclear materials, the DHS Domestic Nuclear Detection Office (DNDO) fully endorses the concept of increased active and passive detection at foreign ports of departure. Foreign ports can also use the systems DNDO are acquiring and developing with a CSI presence, as well as the Department of Energy's Megaports program. We must continue to stress the need for increased screening at foreign ports of departure; while at the same time have a robust screening effort at our own ports of entry.

The DNDO FY 2007 budget request of nearly \$536 million includes \$157 million for the acquisition and deployment of current and next-generation radiation detection systems at our ports of entry. These systems will be deployed and operated by CBP. In addition, DNDO's FY 2007 budget also includes funding for the development of enhanced cargo radiography screening systems for our ports of entry. CBP will continue to work closely with DNDO to explore new and emerging technologies in an effort to enhance our antiterrorism capabilities. These enhanced

screening efforts will complement the many information-based programs CBP already has in place for enhanced port security.

CBP Coordination with DOE:

As CBP moved forward with the CSI program, we have also developed a very important partnership with the Department of Energy and its Megaports program.

CSI and Megaports are complementary programs, with both serving as elements of a comprehensive maritime security strategy. Megaports complements CSI in that it enhances foreign governments' capabilities to detect, deter, and interdict illicit trafficking in nuclear and other radiological materials and it provides another data element to support CSI targeting and evaluation of suspect containers.

Integrated Container Inspection System (ICIS):

DHS and CBP acknowledge that the Hong Kong Container Terminal Operators Association (HKCTOA) and Science Applications International Corporation (SAIC) have taken an important step forward in an effort to improve container security. The Integrated Container Inspection System (ICIS) pilot demonstrates that the concept of collecting and integrating radiation detection spectral data with radiographic imaging on containers departing Hong Kong is complementary and consistent with our agency's goals.

As the HKCTOA continues to make progress in collecting valuable screening data, CBP remains committed to working with the Association, the Hong Kong Customs & Excise Department and the Hong Kong Government to develop the policies, procedures and response protocols that will allow us to take full advantage of the investment the Hong Kong shipping community is making to better protect maritime trade and the global supply chain.

CBP and DNDO meet regularly to discuss potential implementation strategies. Results from the ongoing analysis will impact future discussions.

Conclusion:

In summary, as I have previously noted, CBP screens 100 percent (%) of containers for risk. All containers that CBP determines to be of risk are examined using a variety of technologies, either at the foreign port of loading under the Container Security Initiative, or upon arrival into the U.S. port of entry. The technologies used include radiation screening, non-intrusive x-ray inspection, and as appropriate, physical examination. CBP officers tasked with the security of our seaports carry out this screening and examination.

Mr. Chairman, Members of the Subcommittee, I have briefly addressed CBP's critical initiatives today that will help CBP protect America against terrorists and the instruments of terror, while at the same time enforcing the laws of the United States and fostering the Nation's economic security through lawful travel and trade. With the continued support of the President, DHS, and the Congress, CBP will succeed in meeting the challenges posed by the ongoing terrorist threat and the need to facilitate ever-increasing numbers of legitimate shipments and travelers.

Thank you again for this opportunity to testify. I will be happy to answer any of your questions.